



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/421,051	03/12/95	JOHNSON	N 49236USAGC

12/11/1219

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EXAMINER	
GOLLAGHER, J	
ART UNIT	PAPER NUMBER

1301 16

DATE MAILED

12/19/96

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

- a) is extended to run _____ or continues to run _____ from the date of the final rejection
- b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed 25 Nov 96 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:
 - a. There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - b. They raise new issues that would require further consideration and/or search. (See Note).
 - c. They raise the issue of new matter. (See Note).
 - d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - e. They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:

Claims allowed: None

Claims objected to: None

Claims rejected: 6-32

However;

Applicant's response has overcome the following rejection(s): _____

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because _____

5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

The proposed drawing correction has has not been approved by the examiner.

Other

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Art Unit: 1301

Bearing in mind (a) that the entire thrust of the claimed invention was changed from that originally presented (ie in the original 6 claims) to that presently proposed/under consideration; and (b) paragraph 2 of section 2 of MPEP 714.13, the following are advanced: (1) applicants reliance upon page 7 lines 8-17 of the specification to establish other than a smooth surface for the film is held/seen to be misplaced, in that this material deals with a cut out SHAPE rather than with a surface topography; (2) there is apparently nothing present of record to establish that the support/backing films of either Wagner et al or Pletcher are not dimensionally stable in the manner envisioned/defined by applicants; further along this line Wagner et al clearly provided for the use a polyurethane such film (N.B. col 2 lines 16-19, and compare with applicants specification at page 27 lines 10-22 and especially line 16); (3) contrary to applicants contentions WRT Wagner et al, compare the indicated sections of this reference with page 6 lines 11-21 of applicants specification; further along this line, the thermosetting adhesive employed by these patentees is held/seen to be initially advanced to no further than B-stage; (4) the bracketed material in claims 18-19 (Amended) is incorrect; and (5) at most applicants response would apparently overcome only the rejection

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Art Unit: 1301

as set forth in paragraphs 15(1)(a) and 15(2) of the Final Rejection.

Any inquiry concerning this communication should be directed to J. J. Gallagher at telephone number (703) 308-1971.

J. J. Gallagher/krb
December 16, 1996
12-17-96



JOHN J. GALLAGHER
PRIMARY EXAMINER
ART UNIT 131